

EDLD 552 School Law for Aspiring Campus Administrators
Course Instructor, Professor Frank Kemerer

3 Units
Spring 2010

Course Description

This graduate-level and credential course provides an introduction to the legal framework for campus-level school administration. It begins by identifying the constitutional, statutory, administrative, contract, and judicial sources of school law relevant to California. Then it examines their implications for decision making in key areas of campus-level administrative responsibility. Each legal module identifies the law relevant to its topic, deduces key administrative principles, and has participants apply the principles to scenarios and case studies derived from case law.

Course Objectives/Candidate Outcomes

Outcome I. Academic Excellence, Critical Inquiry and Reflection

To examine the legal framework for the delivery of educational service at the elementary and secondary levels in California. (K, S,) (CAPSL 6)

To understand that education law is a complex composite of constitutional, statutory, administrative, contract, and judicial law. (K, S) (CAPSL 6)

To learn the key principles that emanate from the legal framework to guide campus administration in selected areas relevant to entry-level administrators. (K, S,) (CAPSL 5, 6)

To understand the importance of keeping current with legal developments. (K, S, D) (CAPSL 5, 6)

Outcome II. Community and Service

To develop an understanding of school district policies and procedures, the need to question those policies and procedures that seem inadequate or dated, and the value in consulting specialists in the district when the situation calls for doing so. (K, S, D) (CAPSL 3, 5, 6)

Outcome III. Ethics, Values and Diversity

To apply the principles to typical situations arising in day-to-day campus administration in the areas studied in the interest of avoiding conflict, litigation, and liability. (K, S, D) (CAPSL 5, 6)

Textbooks/Readings

1. Frank Kemerer and Peter Sansom, *California School Law* (Stanford University Press 2009). The first update for this book will be included at the front of the course packet.
2. Course packet available in USD Bookstore. The materials include the update for *California School Law*, an overview for each legal module with embedded queries and scenarios for students to work through prior to class, edited judicial decisions, and several tables and charts. The packet has been three-hole punched and shrink-wrapped so it can be inserted into a three-ring notebook. This allows handouts distributed in class, along with your notes for each module, to be inserted with ease.
3. Frank Kemerer, John Crain, and Catherine Maloney, *California Documentation Handbook* (Education Law Services, 2004). Distributed in class at no cost.
4. Additional materials will be distributed at selected modules.
5. Students will need to go online periodically to the California Department of Education to download and print statutory sections from the Education Code that are listed in some of the assignments (www.cde.ca.gov and click on “Laws and Regulations,” then on “California Laws and Codes,” and then on “California Education Code”). This is a simple matter and will help you learn how to access relevant law. When you download the provisions, they often recombined with neighboring provisions. Thus, you might want to box the ones listed on the course outline with a colored pen or pencil so you can access these quickly.

Course Requirements/Activities

The course will be divided into a set of legal modules, each focused on a particular area of school law of central importance to entry-level school administrators (see the course outline). The instructor’s approach for each class will follow this format: (1) review the law relevant to the topics being discussed as presented in the readings for the module, (2) deduce from the law the operational principles for effective and legally defensible administration, (3) have students examine how the key principles are reflected in school district policies and procedures, and (4) have students apply the key principles to real-life problems emanating from past experience in the school district or from the facts of decided cases. Throughout, interaction with the instructor and with peers to enhance and expand the learning experience will be emphasized.

Assessment Plan/Grading Criteria/Rubric/Attendance Policy

Formative Assessment:

At the beginning of the course, students will complete an instrument assessing the extent of their legal knowledge generally. Based on this information the instructor will tailor the focus of the discussion within each module to assure that knowledge gaps are addressed.

As each module is taught, the instructor will determine students' knowledge, understanding and application of the subject taught in the module using the following guidelines:

1. The student will exhibit knowledge of relevant information through discussion, written assignments, and small and large group activities.
2. The student will exhibit the ability to apply relevant law to situations arising in day-to-day school situations through role-play, case studies, video scenarios, and class discussions.

The instructor will provide feedback and coaching to ensure the students' ability to understand and apply legal principles.

Summative Assessment

The following summative assessments will determine the extent to which students have mastered the course material.

Student knowledge of relevant law and the ability to utilize the knowledge in understanding and resolving problems with legal overtones will be assessed via:

1. A take-home midterm examination covering the first half of the class. The mid-term exam will ask students to apply their knowledge about school law to hypothetical situations involving several legal concerns common to campus-level school administration.
2. A take-home final examination covering the second half of the class. The final exam will ask students to apply their knowledge about school law to hypothetical situations involving several legal concerns common to campus-based school administration. Students also will be asked to step back from the application of law and to examine the credibility of legal mandates in specific situations.

The assessment system will comprise 100 points to be divided as follows:

- 40 points for the midterm (two hypothetical situations, 20 pts each)
- 60 points for the final exam (two hypothetical situations, 30 pts each)

The two examinations will be divided into an assessment of legal knowledge and an assessment of the applications of the law to real-life scenarios.

Grading scale is as follows:

A = 85-100
 B = 75-84
 C = 65-74
 Failure Below 65

Grading Rubric

The midterm and final exam will be evaluated and points assigned per question based on this rubric:

1-10 pts Mid 1-14 pts Final	11-14 pts Mid 15-19 pts Final	15-17 pts Mid 20-24 pts Final	18-20 Pts Mid 25-30 Pts Final
<p>There is little or no evidence that the student realizes the impact of federal, state, and local law and policy on the site and its constituents.</p> <p>The student has little ability to identify the issues embedded in the scenario and to apply the law to analyze them and draw appropriate conclusions. The student's writing skills are weak.</p>	<p>The student has some knowledge of the impact of federal, state, and local law and policy on the site and its constituents.</p> <p>The student is able to identify some of the key issues embedded in the scenario but has limited ability to apply the law to them and to draw appropriate conclusions. <u>Or</u> the student has considerable knowledge of the law but is unable to identify and/or analyze the key issues embedded in the scenario and to draw appropriate conclusions. <u>Or</u> the student's writing skills are very weak.</p>	<p>The student has considerable knowledge of impact of federal, state, and local law and policy on the site and its constituents.</p> <p>The student is able to identify most of the key issues embedded in the scenario, to apply the law to analyze them accurately, and to draw appropriate conclusions. The student's writing skills are quite good.</p>	<p>The student has a comprehensive knowledge of the impact of federal, state, and local law and policy on the site and its constituents.</p> <p>The student is able to identify the legal issues embedded in the scenario, to apply the law to analyze them accurately and comprehensively, and to draw appropriate conclusions. The student's writing skills are exemplary.</p>

Attendance Policy

Since participation is integral to the learning process for all students, it is imperative that students attend every class. If a student is late to class or needs to leave class early, the student must inform the instructor in advance. In the rare instance when a student has to miss a class, the student has the obligation to make up any work that was missed and to ask a colleague to collect any materials that were distributed in the missed class.

If a student's absences or late arrivals and early departures exceed 25 % of the total class time, the student will fail the class. If this occurs, the student will need to repeat the course (which may not be offered until the following year, thus issuance of the credential may be delayed). In addition, when the student re-registers for the class, the student will bear the cost of tuition. (Reminder: A grade of "F" will adversely affect the student's grade point average, which must stay at or above 3.0).

Students who fail to fulfill the requirements of this course will receive an Incomplete. The requirements must be met by the end of the tenth week of the next regular semester. If not, the Incomplete will be converted to an F

Contacting the Instructor (for background information, see the last page of the outline)

Email: fkemerer@sandiego.edu

Phone: 619-260-7789

Office: SOLES 275(E) (Office hours 2-5:30 Mondays and by appointment)

Academic Integrity

At USD the code of academic integrity is taken very seriously. Forms of academic dishonesty, including but not limited to cheating, plagiarism, fabrication, or facilitating academic dishonesty, are not tolerated in the master's program or this class. Violations of the policy may result in suspension or expulsion from the university. If unfamiliar with the USD policy on academic integrity, be sure to read and understand its elements.

Students with Disabilities

Students with disabilities who believe they may need accommodations in the class are encouraged to contact Disability Services in Serra 300 (tel. 260-4655) as soon as possible to better ensure that such accommodations are implemented in a timely fashion.

About The Instructor

Dr. Frank Kemerer is Professor-in-Residence in the School of Law and School of Leadership and Education Sciences at the University of San Diego and teaches education law in both schools. For many years, he served as Regents Professor of Education Law and Administration at the University of North Texas in Denton and as Director of the Center for the Study of Education Reform in its College of Education. Professor Kemerer holds a Ph.D. in educational administration and policy studies from Stanford University with a law minor from Stanford Law School. He also has his AB (political science) and MA (educational administration) from Stanford. For over forty years he has taught and written on issues such as employment and collective bargaining, student and teacher rights, student discipline, parent rights and responsibilities, religion on public schools, search and seizure, racial and income discrimination, and school choice.

Prof. Kemerer is the author or coauthor of eleven books including the legal textbook *Constitutional Rights and Student Life* (West Publishing Company 1979). His biography of federal judge William Wayne Justice was designated a *Scribes* Book Award Finalist by the American Society of Legal Writers and received the T. R. Fehrenbach Book Prize from the Texas Historical Society in 1991. The book was reissued as a paperback with extended epilogue in November 2008. His book co-edited with UC-Berkeley law professor Stephen Sugarman and entitled *School Choice and Social Controversy: Politics, Policy and Law* was published by Brookings Institution Press in 1999. His book *School Choice Tradeoffs* written with Prof. Kenneth Godwin was published by the University of Texas Press in 2002 and received the 2002 Bronze Book of the Year Award for Education from *ForeWord Magazine*. His most recent book is *California School Law* published by Stanford University Press in 2005 and co-authored with his daughter Jennifer and former law student Peter Sansom. Kemerer and Sansom completed the second edition in April 2009. A similar book he coauthored entitled *The Educator's Guide to Texas School Law* and published by the University of Texas Press is now in its sixth edition with the seventh edition appearing later this year. Earlier in his career, Prof. Kemerer served as a private school director, as a research associate at the Center for Educational Research at Stanford, and as a professor and university administrator in the State University of New York.